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**TESTIMONY OF KEVIN PHILLIPS
MAYOR, CITY OF CALIENTE AND CHAIRMAN, LINCOLN
COUNTY/CITY OF CALIENTE JOINT CITY/COUNTY IMPACT
ALLEVIATION COMMITTEE ON THE ADEQUACY OF THE DRAFT
ENVIRONMENTAL IMPACT STATEMENT FOR A GEOLOGIC
REPOSITORY FOR THE DISPOSAL OF SPENT NUCLEAR
FUEL AND HIGH-LEVEL RADIOACTIVE WASTE AT
YUCCA MOUNTAIN**

**January 11, 2000
Las Vegas, Nevada**

My name is Kevin Phillips and I am Mayor of the City of Caliente. I am also Chairman of the Lincoln County/City of Caliente Joint City/County Impact Alleviation Committee. I am here today to offer additional verbal comments on the sufficiency of the Draft Environmental Impact Statement (DEIS) for the Yucca Mountain project to support waste management program decisions. My remarks today are intended to supplement those I offered at the November 9 hearing held in Caliente. In addition, Lincoln County and the City of Caliente are preparing and will submit extensive written comments on the DEIS.

I come this evening gravely concerned that the Department of Energy, as an agent for the United States, stands poised to impose the task of providing a final resting place for this Nation's spent nuclear fuel and other high-level radioactive waste upon the people and resources of the State of Nevada. My distress is not motivated out of a fear that my fellow residents, indeed my family members, will be injured or face death as a result of radioactive waste management activities in Nevada. To the contrary, I am convinced that nuclear waste can be safely managed and that public health and safety can be protected. Rather, ^{what} I find unacceptable in the DEIS, and within the

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Comments of Mayor Kevin Phillips
City of Caliente

Yucca Mountain DEIS Hearing
Las Vegas, Nevada

January 11, 2000

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below

state and national debate, is the complete lack of attention to compensating Nevada for unmitigable impacts of transporting through, and disposing of nuclear waste within, the State. The DEIS must suggest alternatives for sharing the benefits which will accrue to states and communities across the Nation who will be relieved of the stigma associated with radioactive waste management.

I know that there are sources of risks which pose a far greater danger to public health and safety. Examples from Richard Wilson of Harvard University¹ are quite instructive in this regard. If one considers the risk associated with living within 20 miles of an operating nuclear power plant, a person would need to live at that location for 150 years to obtain the same risk of death associated with smoking 1.4 cigarettes. The risk associated with living in proximity to the nuclear power plant for 150 years is no greater than the risk associated with traveling 300 miles by car, a distance I was required to travel to participate in this hearing. Management of radioactive wastes will involve radiation exposure risks no more than those associated with operating nuclear power plants.

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Despite the relatively low degree of risk associated with radioactive waste management, not one state within the United States is willing to host a repository. Indeed, users of nuclear energy are willing to pay tens of billions of dollars to move waste away from their places of residence, recreation, and employment. As a consequence the Nation's waste management requirements must be forced upon an unwilling host, in the case of Yucca Mountain, that host is Nevada. Other states and locales will be relieved of the largely perceived risk associated with radioactive waste management. Such risks, both real and perceived, will be transferred to Nevada and communities proximate to Yucca Mountain. Other states and communities will no longer face the prospects of

being viewed as less than desirable destinations for tourism, residential development or industrial plant sites due to the presence of radioactive waste. Any disamenity associated with nuclear waste will be transferred from across the United States and concentrated in Nevada.

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If the Yucca Mountain Environmental Impact Statement is to be legally sufficient it must consider ways in which the State of Nevada and impacted communities can be compensated for unmitagable consequences of the transportation and disposal of nuclear waste. The benefit of waste management to states and locales currently hosting nuclear power plants and waste storage facilities can be approximated by the willingness of users of nuclear powers in these areas to spend what may ultimately be in excess of \$50 billion to transport and dispose of radioactive waste in Nevada. Should Nevada and its impacted communities be granted a service fee of ten percent? Arguably, \$5 billion dollars would go a long way to offset deficiencies in local emergency first response, emergency medical capabilities to handle radiation contaminated patients and possible stigma induced impacts to the economy of Nevada and its local communities. What is reasonable? I honestly do not know. I do know that the DEIS has failed to sufficiently quantify or even characterize potential impacts so as to enable consideration of compensation scenarios.

I am disappointed that the DEIS largely characterizes potential waste management system impacts in Nevada as insignificant, generally positive (ie. creation of new jobs) or both. If the transportation through, and disposal of waste within, Nevada is such a benign activity than why is it that no other state in the Nation is willing to host a facility like Yucca Mountain? The DEIS should answer this by way of a more thorough and fair assessment of impacts, including stigma. Beyond its deficient approach to treating equity between Nevada and the rest of the Nation, the

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2 continued DEIS does not provide sufficient treatment of the distribution of radioactive waste transportation risks among Nevada's urban and rural communities. Nevada's Governor, the Nevada Attorney General and Nevada's Congressional delegation have made clear their intent to restrict shipments of nuclear waste from highways in Nevada's urban centers. Rather, Nevada's leaders see it as "in the best interest of Nevada" to shift transportation related risks to rural counties and communities. As a consequence, low-level radioactive waste is now, and spent nuclear fuel and other high-level radioactive waste will in the future be, shipped through Nevada's rural counties and communities on its way to the Nevada Test Site. I find it ironic that just a few years ago a suggestion by Lincoln County and City of Caliente officials to avoid shipments through the Las Vegas Valley resulted in the Nevada Attorney General seeking to throw several of my colleagues and I out of office.

3 The DEIS assumes that the risks associated with transport through Nevada's rural areas would be no greater than those associated with transport through urban communities. This assumption may be invalidated by the fact that rural emergency first responders and emergency medical service providers are largely unprepared to handle emergencies involving radiation. The consequences to minimizing risk of emergency "non-response" must be considered within the DEIS. The DEIS must identify weaknesses in emergency response and must propose measures to mitigate such deficiencies.

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In closing, let me observe that the National Environmental Policy Act and the Nuclear Waste Policy Act require that DOE prepare an environmental impact statement which can assist the Secretary of Energy, the President of the United States and the Congress in making major federal

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decisions about how and under what conditions to manage spent nuclear fuel and other high-level radioactive waste. The Secretary, the President and the Congress must consider program costs when reaching conclusions about waste management. Failure of the DEIS to consider alternative costs for adequately mitigating impacts and compensating Nevada and her impacted communities renders the document insufficient as a decision-support tool. |

Thank You.

1. Wilson, Richard, "Analyzing the Daily Risks of Life", in Readings in Risk edited by Theodore S. Glickman and Michael Gough, Resources For the Future, Washington, D.C., 1990.